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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,923	07/03/2003	Richard Green	023895/263693	4681
79901	7590	06/09/2009		
Alston & Bird LLP Bank of America Plaza 101 South Tryon Street Suite 4000 Charlotte, NC 28280-4000			EXAMINER SHEIKH, ASFAND M	
			ART UNIT 3627	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/613,923

Applicant(s)

GREEN ET AL.

Examiner

Asfand M. Sheikh

Art Unit

3627

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-91 is/are pending in the application.
- 4a) Of the above claim(s) 33-81 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-32, and 82-91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 2/19/2009 have been fully considered but they are not persuasive.

The applicant argues that Sheldon in view of Hartman fails to disclose the applicants claimed invention, more specifically, "configurable fields that define controls used to manage inventory of a product." The examiner disagrees.

The examiner notes that the combination of Sheldon in view of Hartman does indeed disclose the claimed invention, and further configurable fields that define controls used to manage inventory of a product. The examiner notes Sheldon discloses maintaining inventory for a plurality of products (see at least, abstract) and further that the maintaining of this inventory comprises using product information fields that control the management of the inventory of a product (see at least, col. 5, lines 49-58: the examiner notes storing inventory status data (e.g. product information fields) that identify parts in stock). From there the examiner noted that Sheldon fails to disclose that these product information fields are configurable. Therefore the examiner sought to combine Hartman to disclose product information fields are configurable (see at least, col. 8, lines 27-57). The examiner notes that Hartman relates to adjusting a parameter (e.g. product information filed) in order to fine-tune the price (e.g. configure). The examiner notes that even though Hartman deals with price, one of ordinary skill in the art would have had the knowledge to take the Hartman's product information fields are

configurable and modify those teachings to obtain a predictable result with respect to Sheldon's maintaining and managing of inventory for a plurality of products by allowing to have Sheldon's product information fields to be configurable. The examiner notes the motivation for the combination would allow for the use of a computing device to determine a logical relationship between price (e.g. data information) and customers' purchasing decisions (e.g. data information) in order to automate the calculation of retail prices (e.g. allow for "self" configuration of information fields) (see at least, Hartman, col. 1, lines 63-67). The examiner notes even though Hartman is related to price the idea of the configurable fields is what was used as the support to the teaching reference with respect to the modification to Sheldon. Therefore the examiner finds these arguments not persuasive.

The applicant further argues Sheldon in view of Hartman fails to disclose at least one calculator module and at least one adjust module. The examiner disagrees.

The examiner notes Sheldon discloses at least one calculator module (see at least, col. 5, line 65-col. 6, line 43: the examiner notes a sales order (e.g. transaction signal) is a calculating module for the control of inventory) and at least one adjust module (see at least, col. 6, line 25-43: the examiner notes a transaction signal to increase or decrease inventory). The examiner notes that these signals as interpreted by the examiner are based on the execution of software which aids in the generating of the order data and allows a computer that is programmed with this software to perform signal receiving/outputting (e.g. processing) (see at least, col. 5, lines 59-65 and col. 6,

lines 25-34), the examiner notes this reads on the applicant's argument of a module which is known in the art as hardware/software that generates signals (see, Applicants Argument, page 22: paragraph 1). Therefore the examiner finds these arguments not persuasive.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 91 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The examiner is confused with respect to claim 91, more specifically it is a adjust module that is being selected from at least one calculator module or is it a calculator module that is being selected from at least one calculator module?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7-15 17-22, 24-32, and 82-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheldon et al. (US 5,765,143) in view of Hartman et al. (US 5,987,425 A).

Claims 1, 18, and 82

Sheldon discloses maintaining inventory for a plurality of products (see at least, abstract) comprising: a first computer readable storage medium comprising product field for inventory (see at least, col. 5, lines 65-col. 6, line 43) a second computer readable storage medium comprising at least one calculator module comprising computer instructions for implementing a methodology for controlling the inventory of the product (see at least, col. 5, line 65-col. 6, line 43: the examiner notes a sales order (e.g. transaction signal) is a calculating module for the control of inventory); a third computer readable storage medium comprising at least one adjustor module comprising computer instructions for implementing an inventory adjustor methodology for the product (see at least, col. 6, line 25-43: the examiner notes a transaction signal to increase or decrease inventory); and a processing element in communication with said one or more of the first, second or third computer readable storage medium, wherein, in response to a

selection of the product, the processing element is configured to control the inventory of the product using the defined product information fields, the at least one calculator module and at least one adjust module (see at least, col. 5, line 65-col. 6, line 43).

Sheldon fails to disclose product information fields that are configurable to define controls that are used to manage the product.

However, Hartman discloses product information fields that are configurable to define controls that are used to manage the product (see at least, col. 8, lines 27-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Sheldon to include product information fields that are configurable to define controls that are used to manage the a product as taught by Hartman. One of ordinary skill in the art would have been motivated to combine the teachings in order to use a computing device to determine a logical relationship between price and customers' purchasing decisions in order to automate the calculation of retail prices (see at least, Hartman, col. 1, lines 63-67).

Claims 2, 19, and 83

Sheldon discloses wherein the first computer readable storage medium comprises product information used to manage the inventory of a plurality of products (see at least, col. 5, lines 65-col. 6, line 43).

Sheldon fails to disclose product fields that are configurable to define controls that will be used to manage a product.

However, Hartman discloses product fields that are configurable to define controls that will be used to manage a product (see at least, col. 8, lines 27-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Sheldon to include product fields that are configurable to define controls that will be used to manage a product as taught by Hartman. One of ordinary skill in the art would have been motivated to combine the teachings in order to use a computing device to determine a logical relationship between price and customers' purchasing decisions in order to automate the calculation of retail prices (see at least, Hartman, col. 1, lines 63-67).

Claims 3, 20, and 84

Sheldon discloses the first computer readable storage medium defines controls that will be used to manage the inventory for each product (see at least, col. 5, lines 65-col. 6, line 43).

Sheldon fails to disclose wherein the product information fields for each of a plurality of products that are configurable.

However, Hartman discloses wherein the product information fields for each of a plurality of products that are configurable (see at least, col. 8, lines 27-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Sheldon to include wherein the product information fields for each of a plurality of products that are configurable as taught by Hartman. One of ordinary skill in the art would have been motivated to combine the

teachings in order to use a computing device to determine a logical relationship between price and customers' purchasing decisions in order to automate the calculation of retail prices (see at least, Hartman, col. 1, lines 63-67).

Claims 4 and 21

Sheldon fails to disclose wherein the first computer readable storage medium includes sub-component data related to the product.

However, Hartman discloses wherein for a product said first computer readable medium includes sub-component data related to the product (see at least, col. 8, lines 27-57: the examiner notes a plurality of parameters would be sub-components).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Sheldon to include wherein for a product said first computer readable medium includes sub-component data related to the product as taught by Hartman. One of ordinary skill in the art would have been motivated to combine the teachings in order to use a computing device to determine a logical relationship between price and customers' purchasing decisions in order to automate the calculation of retail prices (see at least, Hartman, col. 1, lines 63-67).

Claims 5 and 22

Sheldon discloses the use of marketing data as it relates to a product used in marketing (see at least, col. 5, lines 65-col. 6, line 43).

Sheldon fails to disclose sub-component data related to the product.

However, Hartman discloses wherein for a product said first computer readable medium includes sub-component data related to the product (see at least, col. 8, lines 27-57: the examiner notes a plurality of parameters would be sub-components).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Sheldon to include wherein for a product said first computer readable medium includes sub-component data related to the product as taught by Hartman. One of ordinary skill in the art would have been motivated to combine the teachings in order to use a computing device to determine a logical relationship between price and customers' purchasing decisions in order to automate the calculation of retail prices (see at least, Hartman, col. 1, lines 63-67).

Claims 7, 24, and 85

Sheldon discloses an inventory methodology used for at least one of control or adjust inventory for the product (see at least, col. 5, lines 65-col. 6, line 43).

Sheldon fails to disclose sub-component data related to the product.

However, Hartman discloses wherein for a product said first computer readable medium includes sub-component data related to the product (see at least, col. 8, lines 27-57: the examiner notes a plurality of parameters would be sub-components).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Sheldon to include wherein for a product said first computer readable medium includes sub-component data related to the product as taught by Hartman. One of ordinary skill in the art would have been

motivated to combine the teachings in order to use a computing device to determine a logical relationship between price and customers' purchasing decisions in order to automate the calculation of retail prices (see at least, Hartman, col. 1, lines 63-67).

Claims 8 and 25

Sheldon fails to disclose wherein the sub-component data includes information related to relationships with other sub-components of the product.

However Harman discloses wherein the sub-component data includes information related to relationships with other sub-components of the product (see at least, col. 8, lines 27-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Sheldon to include wherein the sub-component data includes information related to relationships with other sub-components of the product as taught by Hartman. One of ordinary skill in the art would have been motivated to combine the teachings in order to use a computing device to determine a logical relationship between price and customers' purchasing decisions in order to automate the calculation of retail prices (see at least, Hartman, col. 1, lines 63-67).

Claims 9, 26, and 86

Sheldon fails to disclose wherein the first computer readable storage medium includes sub-type data related to the product sub-component.

However Harman discloses wherein for a product said first computer readable medium includes sub-type data related to the product sub-component (see at least, col. 8, lines 27-57: the examiner notes the examiner notes price would be a sub-type data).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Sheldon to herein for a product said first computer readable medium includes sub-type data related to the product sub-component as taught by Hartman. One of ordinary skill in the art would have been motivated to combine the teachings in order to use a computing device to determine a logical relationship between price and customers' purchasing decisions in order to automate the calculation of retail prices (see at least, Hartman, col. 1, lines 63-67).

Claims 10 and 27

Sheldon discloses wherein data comprises an identification value assigned to the product sub-component (see at least, col. 7, lines 1-6).

Sheldon fails to disclose sub-type data.

However Harman discloses wherein for a product said first computer readable medium includes sub-type data related to the product sub-component (see at least, col. 8, lines 27-57: the examiner notes the examiner notes price would be a sub-type data).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Sheldon to herein for a product said first computer readable medium includes sub-type data related to the product sub-component as taught by Hartman. One of ordinary skill in the art would have been

motivated to combine the teachings in order to use a computing device to determine a logical relationship between price and customers' purchasing decisions in order to automate the calculation of retail prices (see at least, Hartman, col. 1, lines 63-67).

Claims 12 and 28

Sheldon disclose wherein data comprises values to allot quantities of inventory and control notification of use of the inventory (see at least, col. 5, lines 65-col. 6, line 43).

Sheldon fails to disclose sub-type data.

However Harman discloses wherein for a product said first computer readable medium includes sub-type data related to the product sub-component (see at least, col. 8, lines 27-57: the examiner notes the examiner notes price would be a sub-type data).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Sheldon to herein for a product said first computer readable medium includes sub-type data related to the product sub-component as taught by Hartman. One of ordinary skill in the art would have been motivated to combine the teachings in order to use a computing device to determine a logical relationship between price and customers' purchasing decisions in order to automate the calculation of retail prices (see at least, Hartman, col. 1, lines 63-67).

Claims 13 and 29

Sheldon discloses wherein data comprises values representing hierarchy under which the product is placed relative to other product, wherein said values are used during a

sell or cancel adjustment to the inventory of the product (see at least, col. 5, lines 65-col. 6, line 43).

Sheldon fails to disclose sub-type data.

However Harman discloses wherein for a product said first computer readable medium includes sub-type data related to the product sub-component (see at least, col. 8, lines 27-57: the examiner notes the examiner notes price would be a sub-type data).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Sheldon to herein for a product said first computer readable medium includes sub-type data related to the product sub-component as taught by Hartman. One of ordinary skill in the art would have been motivated to combine the teachings in order to use a computing device to determine a logical relationship between price and customers' purchasing decisions in order to automate the calculation of retail prices (see at least, Hartman, col. 1, lines 63-67).

Claims 14, 30, and 87

Sheldon discloses the first computer-readable storage medium includes market control information (see at least, col. 5, lines 65-col. 6, lines 43).

Claims 15 and 31

Sheldon discloses wherein said market control information is selected from the group consisting of identification of the product, when the product is being used, when the product is being purchased, where the product is being sold, how the product is being

used, and a **market value** (see at least, col. 5, lines 65-col. 6, line 43: the examiner notes market value).

Claim 16 and 32

Sheldon fails to disclose wherein the market control information comprises a weighted value for a requested market against all other possible markets for the product.

However Harman discloses wherein said market control information comprises a weighted value for a requested market against all other possible markets for the product (see at least, col. 8, lines 27-57: the examiner notes calculating a price based on a pool).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Sheldon to include wherein said market control information comprises a weighted value for a requested market against all other possible markets for the product as taught by Hartman. One of ordinary skill in the art would have been motivated to combine the teachings in order to use a computing device to determine a logical relationship between price and customers' purchasing decisions in order to automate the calculation of retail prices (see at least, Hartman, col. 1, lines 63-67).

Claim 17

Sheldon discloses wherein at least two of the first, second, and third computer readable storage mediums are comprised in the same computer readable medium.

Claims 6 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheldon et al. (US 5,765,143) in view of Hartman et al. (US 5,987,425 A) as applied to claim 1 and 18 above, and in further view of Examiner's Official Notice (as evidenced by Knowles et al. (US 5,869,819)).

Claims 6 and 23

Sheldon in view of Hartman fails to disclose wherein the sub-component data includes information related to the time, date, and location where the product is used.

The examiner takes official notice that it is old and well known in the database arts to include component data that includes information with respect to time, date, and location (e.g. fields within the database that represent a timestamp and location information) for a given data entry. Further see Knowles et al. for evidence for the Examiner's Official notice with respect to an entry that field that contain time, date, and location of a item (see col. 19, lines 25-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Sheldon in view of Hartman to include component data that includes information with respect to time, date, and location as known in the arts in order to more effectively track the items correctly within a data table.

Claims 88-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheldon et al. (US 5,765,143) in view of Hartman et al. (US 5,987,425 A) as applied to 82 above, and in further view of RuDusky (US 2003/0055769 A1).

Claims 88 and 90

Sheldon discloses one adjuster module and one calculator module (see claim 1, 18, and 82) however Sheldon in view of Hartman fails to disclose wherein selecting the adjustor/calculator module comprises characterizing the product and selecting the adjustor/calculator module based on the characteristics of the product.

RuDusky discloses selecting a module out of a plurality of modules based on selected characteristics (see at least, abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Sheldon in view of Hartman to include selecting a module out of a plurality of modules based on selected characteristics as taught by RuDusky. One of ordinary skill in the art would have been motivated to combine the teachings in order to allow for choosing a particular "best" configuration (e.g. module) that can meet the needs of a user.

Claim 89

Sheldon discloses wherein the adjust module is selected from at least one adjustor modules that includes computer instructions for implementing an inventory adjustment based on a methodology selected from a group consisting of net availability, net

availability with capping, and **threshold availability** (see at least, col. 8, lines 24-30: the examiner notes the total demand potential would be threshold availability).

Claim 91

Sheldon discloses wherein the calculator module is selected from at least one calculator module that includes instructions for implementing an inventory calculator based on a methodology selected from the group consisting of sub-type nesting, **sub-component nesting**, static virtual nesting, dynamic virtual nesting, and continuous nesting (see at least, col. 8, lines 3-33: the examiner notes a weighted average and trend factor is a form of sub-component nesting).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571)272-1466. The examiner can normally be reached on 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Asfand M. Sheikh/
Examiner, Art Unit 3627
6/4/2009

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627